

## **REMARKS**

### **Finality of Action**

Applicants respectfully request the withdrawal of the finality of the action, which was improperly made final.

On November 26, 2003, applicants filed a reply with an RCE. An Office Action was issued on March 8, 2004, maintaining one prior art rejection. The Office Action indicated that the attachment to the Reply supporting the arguments was not in the PTO file. A new rejection was also made on written description because the PTO record did not have a specification page 9 in the file. Thus, in this first Office Action, applicants' arguments and the supporting submission were not fully considered. Applicants verified with the Examiner over the phone that page 9 exists in the specification in the PTO record and that therefore the written description rejection is moot. The Reply filed on May 10, 2004, merely resubmitted the submission that should have been considered on first action after the filing of an RCE and made no amendments. Applicants provided a PTO stamped filing receipt as evidence that the submission was sent previously at the time of filing the RCE. The next Office Action issued is the one being replied to here, which was made final. In essence this action is a first action after initial consideration of the full reply filed with the RCE, and is thus, not properly made final.

Withdrawal of the finality of this action is therefore respectfully requested.

Additionally, applicants request the entry of the amendments to the claims also, which are a matter of right since the finality of the previous action should be withdrawn.


### **The Prior Art Rejections**

Support for the amendments to the claims can be found, for example, in the drawings.

Hall teaches sealing an aperture or port in a glass wall with a glass bead and with an inner resilient pad. Hall teaches that the pad has sufficient resilience to frictionally engage the port side walls. See column 4, lines 47-49. Thus, the aperture in Hall is not only sealed by a bead that is fused into the aperture, but by also an inner pad that frictionally engages the side walls of the aperture. The claims exclude such an arrangement.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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